

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

Janelle Follett,

Civil No. 09-3167 (MJD/SRN)

Plaintiff,

v.

ORDER

Michael J. Astrue,
Commissioner of Social Security,

Defendant.

This matter is before the Court on the Report and Recommendation of Magistrate Judge Susan Richard Nelson dated November 16, 2010. Both sides have filed responses that agree with the Report and Recommendation.

Based on the foregoing, and all the files, records and proceedings herein, IT IS
HEREBY ORDERED that:

1. Plaintiff's motion for summary judgment [Doc. No. 11] is **GRANTED IN PART** (insofar as it seeks remand) and **DENIED IN PART** (insofar as it seeks reversal and an award of benefits);

2. Defendant's motion for summary judgment [Doc. No. 22] is **DENIED**; and

3. This action is **REMANDED** for further proceedings consistent with this opinion.

Dated: December 2, 2010

s/Michael J. Davis
MICHAEL J. DAVIS
United States District Court Judge